

Chapter Five

DEPARTMENT OVERSIGHT

F i v e

Implementation of the Solid Waste Policy and Management Act of 1991 (**Act**) was delegated to several state agencies. A number of divisions within Environmental Quality Control (**EQC**) of the Department of Health and Environmental Control (**Department**) are responsible for ensuring the requirements of the Act are being met. The information in this chapter outlines the responsibilities of the Department and details specific information addressed during FY02.

Regulation Development

The **Regulation Development Unit** is located within the Division of Mining and Solid Waste Management. [The section members are identified in Chapter Twelve.](#)

Effective.

There were no new solid waste regulations effective this fiscal year.

Proposed.

During FY01, the Department had planned to amend **R.61-107.11 Construction, Demolition, and Land-clearing Debris Landfills** to address the existing structural fill exemption as a means to help deter open dumping and unauthorized disposal of C&D wastes. The Department had also planned to streamline the “landfill regulations” by placing more emphasis on the waste stream instead of the source of generation. The scope of this revision changed during the fiscal year. Now, the Department proposes to consolidate all solid waste landfill regulations into one regulation. Regulation 61-107.11 will be amended and the name changed from “Construction, Demolition, and Land-clearing Debris Landfills” to “Solid Waste Landfills and Structural Fill” and will encompass all solid waste landfills and structural fill activities. This amended regulation will supersede R.61-107.13 Municipal Solid Waste Incinerator Ash Landfills, R.61-107.16 Industrial Solid Waste Landfills, and R.61-107.258 Municipal Solid Waste landfills, thus reducing the number of solid waste regulations that address land filling from four (4) regulations to one (1) regulation.

The amended regulation will place more emphasis on the waste stream and less emphasis on the source of generation. The regulation will also address structural fill activities by providing a viable mechanism for using a suitable waste stream as structural fill.

The public and regulated community will have several opportunities to review proposed language and submit comments. This is a comprehensive revision and will not likely be in place until early 2004. Legislative review is required.

Plans to amend **R.61-107.6 Solid Waste Processing Facilities** have been halted at this time. When the Department revisits, the proposed revision will address, but not be limited to, operating standards, monitoring and reporting requirements and permit application requirements as they relate to each type of processing facility. The types of facilities that will be specifically addressed, at a minimum, are as follows: municipal solid waste processing, construction and demolition debris processing, and industrial/special waste processing. Legislative review of this proposal will be required. While the revision of this regulation has been shelved, a guidance document was created during the fiscal year to address waste control plans.

Repeals.

There were no solid waste regulations repealed during FY02.

Copies of solid waste regulations may be obtained by contacting the Regulation Development Unit of the Division of Mining and Solid Waste Management, Bureau of Land and Waste Management, DHEC, 2600 Bull Street, Columbia, South Carolina, 29201.

Planning

The Solid Waste Planning and Compliance Section of the Division of Mining and Solid Waste Management is responsible for solid waste management planning activities. South Carolina's Solid Waste Management Plan was revised, then published in place of the FY98 solid waste annual report. County and regional plans are required to be consistent with the current State Plan. As a result, counties and regions were required to submit revised plans. In brief, these revised plans are required to address all solid waste facilities and solid waste streams and, to detail the steps for reviewing and making decisions regarding Letters of Consistency (**LOCs**). Revised plans continue to be reviewed for consistency with the revised State Plan.

Section staff continued to review LOCs for new and expansions to existing solid waste management facilities. Section staff worked closely with county officials during the fiscal year, discussing reporting procedures and offering planning guidance. Section staff worked closely with a contractor to revise and implement a more up-to-date and comprehensive MSW landfill operator and supervisor certification course this fiscal year. [The section members are identified in Chapter Twelve.](#)

Compliance

Compliance staff responsible for solid waste management activities are also located within the Solid Waste Planning and Compliance Section. Section staff continued to work closely with district offices regarding permitted facilities, locating and working with un-permitted facilities, performing inspections, ensuring consistency in enforcement of Department solid waste regulations and addressing the problems associated with open dumping. Section staff continued to conduct inspections with district staff and offered technical assistance, as needed. For FY02, district staff reported a total of 2,249 inspections of solid waste facilities across the State. The compliance staff is also responsible for reviewing financial assurance documents, disclosure statements and cost estimates as required. Section staff received and reviewed 169 Full Cost Disclosure reports from local governments. [The information received is detailed in Chapter Four, Table 4.8. The section members are identified in Chapter Twelve.](#)

For FY02, staff members were responsible for tracking the status of 132 registered waste tire haulers and 173 registrations for collection, recycling, and recovered material processing facilities that accepted lead acid batteries. Section staff were also responsible for the registration of 27 used oil collection sites, and one new used oil transporter. During FY02, section staff received and reviewed annual tonnage rate reports from the MSW landfills; Parts I, II, III, and IV C&D/LCD landfills; ISW landfills; solid waste incinerators; and any other solid waste facility reporting voluntarily.

Annual reports were also received from yard trash and land-clearing debris and composting facilities. Nineteen permitted solid waste processing facilities also submitted the required annual reports.

Staff continued to conduct compliance reviews of solid waste facilities. The Solid Waste Policy and Management Act of 1991 requires these reviews to be conducted at least every five years.

During FY02, staff met with all district solid waste management staff to discuss relevant issues. Staff also participated in an annual workshop for Department personnel to discuss issues related to the solid waste management field.

The Department manages a statewide MSW Landfill Operator Certification program. Staff is responsible for certifying and tracking MSW landfill managers and supervisors trained on operator certification. The Department is also responsible for overseeing courses relevant to continuing education credits for the certification program and for facilitating trainings for the program. During FY02, the Department facilitated an operator certification course and assigned continuing education credits to solid waste landfill management related meetings, seminars, and workshops around the state.

Enforcement

The Solid Waste Enforcement Section (Section) in the Bureau of Land and Waste Management receives and acts upon enforcement referrals. After receiving referrals from the Solid Waste Planning and Compliance Section, the Mining and Reclamation Section, and the Radioactive Waste Management Section, the Section typically issues a Notice of Violation and Enforcement Conference (NOVEC) to the alleged violator (respondent). After holding a subsequent enforcement conference and making further investigation, the Section typically issues a proposed Consent Order to the respondent. Upon execution by the Commissioner, a Consent Order typically requires corrective actions(s) and the payment of a civil penalty, which the Section collects for transferal into the state general fund or as otherwise directed by Statute. If a Consent Order cannot be agreed upon, the Section typically issues an Administrative Order without the respondent's consent, which is subject to an appeals process (contested cases) involving the Administrative Law Judge Division, the SCDHEC Board, and Circuit Court. The Section coordinates closely with the Department's Office of General Counsel on all cases and testifies in court, as required, regarding contested cases on appeal.

In cases where willful and grossly negligent violations occur, the Section makes referrals to the Department's Criminal Review Committee for consideration. If accepted, a Department criminal investigator is assigned to work the case for eventual prosecution, typically through local solicitor's offices.

The Section uses approved penalty assessment procedures and approved Department policies in deciding upon appropriate civil penalties. All penalty assessments are subjected to a peer review process and management approval to ensure consistency and fairness.

The Section typically handles cases of illegal disposal (open dumping) of solid wastes such as construction and demolition debris, land clearing debris, shingles, and waste tires. Other typical cases involve actions against permitted solid waste management facilities such as landfills and solid waste transfer stations, for operational, regulatory, and permit violations. In addition, the Section handles cases involving mines operating without a permit and radioactive waste facilities operating in violation of the permit and the regulation.

The Section is responsible for enforcement of the Solid Waste Policy and Management Act of 1991, and the solid waste regulations promulgated pursuant to the Act, and the Pollution Control Act regarding unpermitted discharges of solid and industrial waste. During the fiscal year, the Section accepted additional enforcement responsibilities. Henceforth, the Section will also be responsible for enforcement of the South Carolina Mining Act and associated regulation and the Atomic Energy and Radiation Control Act and the Radioactive Materials Regulation.

During FY02, the Solid Waste Enforcement Section issued fifty-four Notices of Violation and Enforcement Conference, thirty-seven Orders, and twelve Warning Letters.

The Section assessed civil penalties during the fiscal year totaling \$256,565. [The Enforcement Section members are identified in Chapter Twelve.](#)

Hydrogeology

The Solid Waste Hydrogeology Section of the Hydrogeology Division is directly involved in the permitting and operations of MSW landfills, MSW incinerator ash landfills, industrial waste landfills and in a limited role, C&D landfills. All MSW landfills, MSW incinerator ash landfills and some industrial waste landfills are required to operate groundwater monitoring systems during the operational life of the facility and for a post-closure care period. The purpose of the groundwater monitoring system is to ensure prompt detection of impact to the groundwater resources of South Carolina. Additionally, all MSW landfills and several industrial waste landfills are required to perform methane monitoring and, if necessary, methane remediation activities.

As required by the R.61-107.258, Municipal Solid Waste Landfills, prior to the issuance of a permit for a MSW landfill, a site hydrogeologic characterization process must be completed. This process ensures the landfill site selected will provide natural protection to groundwater resources and ensures the proper placement of effective monitoring wells. Once permitted, routine monitoring is required and the sampling procedures and analyses are reviewed by section staff. Hydrogeological activities remained unchanged from FY01. During FY02, approximately 75 active/closed MSW landfills required groundwater monitoring. An additional 37 industrial waste landfills required groundwater monitoring during the fiscal year. [The Hydrogeology Section members are identified in Chapter Twelve.](#)

Permitting

The responsibilities of the Facility Engineering Section, located within the Division of Mining and Solid Waste Management, include reviewing applications for permits, registrations, and other forms of approval for the construction and operation of solid waste management facilities and rendering a permitting decision for each. [A list of the Facility Engineering Section members can be found in Chapter Twelve.](#) Table 5.0 provides a summary of permitting activity for each type of solid waste management facility for FY02.

Table 5.0 Solid Waste Management Permitting Activities for FY02		
Facility Type	Number Permitted/Modified During FY02	Number of Active Permits
MSWLF	5	36
ISWLF	8	51
Incinerator Ash Monofill	0	0
C&D, Short Term (Part I)	0	2
C&D, Land-Clearing Debris (Part II)	20	73
C&D, Industrial (Part III)	0	9
C&D, Long-term (Part IV)	1	73
Waste Tires	2	21
Transfer Stations	1	37
RD&D	0	1
Solid Waste Processing	2	19
Composting	9	120
Used Oil Processing	3	8
Land Application	4	11
MSW Incinerators	0	1
Soil Remediation	0	2
TOTAL	59	464

District Offices

There are twelve (12) district offices located around the State. [Refer to Chapter Twelve for a list of the solid waste district contacts, their addresses and telephone numbers, and a list of the counties within each district.](#)

District office solid waste staff conduct inspections of all solid waste management facilities. District staff work closely with solid waste management facilities and monitor all activities of the solid waste management facilities within their district to ensure compliance with the solid waste regulations. All staff members are trained to provide technical assistance.

During FY02 district office staff conducted routine and compliance related inspections of solid waste management facilities. Results of these inspections are tracked and when necessary, compliance/enforcement activities are initiated. During the fiscal year, district staff also reported a total of 2,249 inspections of the solid waste facilities and investigated numerous incidents, ranging from abandoned waste, illegal dumping, hazardous materials, fires and improper disposal of tires and waste oil related problems.

Public Education and Technical Assistance

The Office of Solid Waste Reduction and Recycling (**Office**) provides educational and technical assistance as well as grant funding to local governments, schools, colleges and universities regarding solid waste management issues. [A summary of all of the projects of the Office can be found in Chapter Nine.](#) The major on-going projects of the Office include:

Action for a cleaner tomorrow: A South Carolina Environmental Curriculum Supplement: “Action” is an interdisciplinary kindergarten through 12th grade curriculum supplement that provides hands-on lessons and activities. “Action” is distributed on CD-ROM through teacher trainings that are offered at no cost to participants.

“Recycle Guys” public awareness campaign: The Office continues to develop public service announcements for television in an effort to increase public awareness on reduction, recycling and buying recycled. The “Recycle Guys” have aired in the City of Denver, Georgia, Maryland and North Carolina and most recently, Pennsylvania.

Used oil recycling: The Office serves as the hub of a partnership which provides grant funding to set up and maintain used oil collection sites as well as public awareness programs and projects. Other partners include Santee Cooper, S.C. Petroleum Council and S.C. Department of Transportation.

America Recycles Day: The Office serves as the state contact for America Recycles Day, an annual event held every November 15. Several events are held around the state to raise awareness about the importance of recycling and purchasing products made from recycled materials. In addition to collecting challenge cards to win various prizes, essay contests are held for Recycling Family, Teacher and School of the Year.

“Recycle Guys Awards Program:” The top recycling programs in South Carolina are honored every January in Columbia. The awards, which are sponsored by the Office, are presented in 14 categories, including recycling coordinator of the year, best local government recycling program and best industry recycling program.

Resource Center: The Resource Center remains the hub of the Office’s educational and technical assistance efforts. The Center houses periodicals, magazines, videos and other informational materials regarding solid waste management. In addition, the Center houses the Office’s toll-free recycling hot line, 1-800-768-7348.

“South Carolina Recycles Magazine:” Each issue of the Office’s quarterly magazine features the latest information on recycling in the state and nation, regulatory and non-regulatory, as well as highlighted projects and educational efforts. It is distributed to over 7,000 readers, including recycling coordinators, other solid waste professionals, teachers and environmental groups.

Web site: The Office’s redesigned and updated web site (www.scdhec.net/recycle) includes links to other environmental sites, including the sites of Office partners, workshop dates, program and project information as well as downloadable Office publications.

The Grant Program

The Office provides monetary support to local governments and schools across the state through specific grant programs: The **Solid Waste Management Grant Program** (funded from fees on appliances and lead-acid batteries), the **Waste Tire Grant Program** (funded from fees on new tires), the **Used Oil Grant Program** (funded from a fee on motor oil of two cents per quart, collected at the wholesale level), the **Recycling Education Grant Program** (a competitive grant program available to both public and private schools or public school districts) and the **Colleges and Universities Grant Program** (a competitive grant program designed to assist public and private institutions of higher education). [Refer to Chapter Nine for detailed information on the Grant Program.](#)

Solid Waste Advisory Council (SWAC)

The Solid Waste Advisory Council (SWAC) is charged with advising the Department on the preparation of the state solid waste management plan, on methods of implementing the state plan, and on the preparation of the annual reports by the Department on solid waste management. In addition, the SWAC makes recommendations to Department staff regarding the grant applications under the Solid Waste Management Grant Program, the Colleges and Universities Recycling Grant Program, and the Recycling Education Grant Program.

The SWAC is advised on a regular basis by Department staff regarding the status of the Solid Waste Management Trust Fund, ongoing education and training efforts, solid waste regulations, compliance and enforcement activities and proposed legislative amendments. The Recycling Market Development Advisory Council (RMDAC) also updates the SWAC on a regular basis regarding their activities. [A current list of SWAC members may be found in Chapter Twelve.](#)